

July 21, 2016

Mr. Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

**RE: Application for a Presidential Permit for the Clean Power Link Project
Docket No. PP-400/Comments and Motion to Intervene Out of Time of Allco
Renewable Energy Limited dated July 18, 2016**

Dear Mr. Mills:

Champlain VT, LLC d/b/a TDI-New England (“TDI”) offers this response to the above-referenced filing in Docket No. PP-400 (the “Filing”). TDI’s New England Clean Power Link power transmission project (the “Project”) is the subject of the docket, which was opened on August 20, 2014.¹

As an initial matter, TDI notes that the deadline for filing comments regarding the Project’s Draft Environmental Impact Statement (“DEIS”) passed on August 11th 2015, and the Project’s Final Environmental Impact Statement (“FEIS”) was issued in October 2015. TDI anticipates that the Presidential Permit for the Project will be issued in a few months if not weeks. The Movant, Allco Renewable Energy Limited (“Allco”) offered no timely comments regarding the DEIS or the FEIS and did not participate in any manner with respect to the Project’s federal or state permitting processes. Nonetheless, Allco now seeks to upend a review of the Project’s environmental impacts that concluded over nine months ago.

Allco offers no explanation or justification for its untimely submission, undoubtedly for the simple reason that there can be none. Allco is a sophisticated participant in the energy field in New England and elsewhere,² and it was on notice -- through official public notices and widespread state and regional press coverage -- that the Project was pursuing state and federal permits.³

¹ <http://necplinkeis.com/wp-content/uploads/2014/08/Notice-of-Intent-Published-in-Federal-Register.pdf>

² Allco’s travails as it has sought to develop renewable energy projects in Vermont have been the subject of occasional news coverage (<http://watchdog.org/238316/green-mogul-blasts-nimby-concerns>).

³ All aspects of the Project’s successful progress have been the subject of consistent and thorough news coverage (<http://necplink.com/clippings.php>).

Allco's unexcused delay in the offering of the Filing is inherently prejudicial to all parties that have participated in the process conducted by your agency pursuant to the National Environmental Policy Act ("NEPA"), and only an extraordinary showing of necessity should empower the Department of Energy ("DOE") to exercise its discretion to accept a late filing of this kind and vintage. In the absence of any showing at all, the Filing must be rejected out of hand. To do otherwise would allow Allco to exploit the NEPA process to gain a competitive advantage in the marketplace. NEPA only requires that DOE address legitimate environmental concerns; it does not provide a basis upon which Allco can, rather transparently, advance its proposed solar projects in New England.

As to the arguments presented in the Filing, they can be charitably described as unavailing. The 25 pages of commentary are replete with non sequiturs, specious arguments, and outright errors. Much of the filing appears to be a disjointed compilation of sections of briefs filed in other, unrelated proceedings. Indeed, the Filing's first footnote practically acknowledges that a cut-and-paste approach was taken in the drafting of the Filing.

Furthermore, the integrity of the Filing is undermined by its factual misstatements. For example, on page 6, Allco refers to the bids received in response to a particular Request for Proposals and confidently asserts that "[t]he attached list (Exhibit A) shows the proposals received, one of which was the Clean Power Link." If the author had taken the time to check the attached list, he would have discovered that the statement is false.

TDI protests and objects to the inclusion of the Filing in the administrative record. In the unlikely event that your agency accepts the Filing, TDI reserves its right to expand its response to the Filing.

Very Truly Yours,



William S. Helmer
Executive Vice President and General Counsel

cc: Meghan Conklin
Julie Smith
Ed Le Duc
Chris Lawrence